

*Questions Passed as Orders for Return*

tax system which would be of particular advantage to low-income Canadians.

**Mr. Simon de Jong (Regina East):** Mr. Speaker, I have a number of petitions containing 500 signatures of Canadians in Nova Scotia, Saskatchewan, British Columbia and Alberta. These petitioners are concerned about the proposed tax changes in the White Paper.

They point out the unfairness of the existing tax system, that in the White Paper proposals of the Minister of Finance (Mr. Wilson) those earning over \$100,000 a year will get most of the tax breaks and that 60,000 profitable corporations will continue to pay no income tax at all. The petitioners are also quite concerned about a tax levied on food and other essential items. They ask for the restoration of full indexation of personal income tax and for a fair tax system.

\* \* \*

**QUESTIONS PASSED AS ORDERS FOR RETURN**

**Hon. Doug Lewis (Minister of State and Minister of State (Treasury Board)):** Mr. Speaker, if Questions Nos. 195 and 206 could be made Orders for Return, the returns would be tabled immediately.

**Mr. Speaker:** Is it the pleasure of the House that Questions Nos. 195 and 206 be deemed to have been made Orders for Return?

**Some Hon. Members:** Agreed.

[Text]

**LOSS OF OFFICIAL GRADING STAMPS AT MEAT PACKING PLANTS**  
Question No. 195—**Mr. Althouse:**

1. In the past 15 years, have official grading stamps at meat packing plants been missing for several days and, if so, in each case (a) on how many occasions and for what period of time (b) to whom are such losses reported?
2. What are the security procedures inside and outside the plant when this occurs and, in particular, are transporters, wholesalers, reprocessors and exporters made aware of the missing number?
3. What precautions are taken to ensure that duplicates are not used after the lost stamp has been recovered?
4. Is a new stamp and number issued, in order to prevent usage of counterfeit stamps or to prevent the movement of illegally stamped products?
5. What arrangements are made for stamping meat at a plant while the stamp is missing?

Return tabled.

**DEPARTMENT OF LABOUR—GRANTS TO METROPOLITAN**  
**TORONTO AREA**

Question No. 206—**Mr. Redway:**

Since September 4, 1984, did the Department of Labour made grants and/or loans to persons or corporations, non-governmental organizations and governments within Metropolitan Toronto and, if so, in each case, in what amount and for what purpose?

Return tabled.

[English]

**QUESTIONS ON THE ORDER PAPER**

**Hon. Doug Lewis (Minister of State and Minister of State (Treasury Board)):** Mr. Speaker, I ask that all questions be allowed to stand?

**Mr. Speaker:** Is it agreed?

**Some Hon. Members:** Agreed.

**GOVERNMENT ORDERS**

[English]

**EMERGENCIES ACT****MEASURE TO ENACT**

**Hon. Perrin Beatty (Minister of National Defence)** moved that Bill C-77, an Act to authorize the taking of special temporary measures to ensure safety and security during national emergencies and to amend other Acts in consequence thereof, be read the second time and referred to a legislative committee.

He said: Mr. Speaker, for each of us there is a handful of public events that take place in our lifetime which leave an impression on us for the rest of our lives. The end of the Second World War, the death of President Kennedy or the footsteps of the first man on the moon are all examples of that.

However, for Canadians in October, 1970, there was another event which took place that I think all of us who were alive during that period will never forget. It happened in response to a crisis in the Province of Quebec. The Government invoked the War Measures Act in a time of peace and suspended the civil liberties of Canadians from one coast of this country to the other. I was a student at that time at the University of Western Ontario. I remember very well the address that was given in a national broadcast by Prime Minister Trudeau who commenced his remarks by saying:

I am speaking to you at a moment of grave crisis, when violent and fanatical men are attempting to destroy the unity and freedom of Canada.

Mr. Trudeau then continued by explaining the Government's decision to invoke the War Measures Act, and he outlined some of the circumstances which led to the Government taking such an action. He explained as well that he was taking such measures, which he recognized were exceptionally extreme and would have a profound effect on civil liberties across the country, because it was essential he do so. In Mr. Trudeau's words:

The War Measures Act gives sweeping powers to the Government. It also suspends the operation of the Canadian Bill of Rights. I can assure you that the Government is most reluctant to seek such powers, and did so only when it became crystal clear that the situation could not be controlled unless some extraordinary assistance was made available on an urgent basis.

Mr. Trudeau continued:

These are strong powers and I find them as distasteful as I am sure you do. They are necessary, however, to permit the police to deal with persons who advocate or promote the violent overthrow of our democratic system. In short, I assure you that the Government recognizes its grave responsibilities in interfering in certain cases with civil liberties, and that it remains answerable to the people of Canada for its actions.

The Prime Minister of the day, Mr. Trudeau, concluded:

It is my firm intention to discuss then with the leaders of the Opposition parties the desirability of introducing legislation of a less comprehensive nature.

In this respect I earnestly solicit from the leaders and from all Hon. Members constructive suggestions for the amendment of the regulations. Such suggestions will be given careful consideration for possible inclusion in any new statute.

The justice Minister of that day is today the Right Hon. Leader of the Opposition (Mr. Turner). He will, of course, remember very well the circumstances which led to the decision to invoke the War Measures Act for the first and only time in a period of peace in Canada. He will remember as well, as will many Members of this House, the commitments made by all three political Parties to see legislation brought in, during a period of calm, to protect the civil liberties of Canadians better, while at the same time ensuring that the Government has the powers necessary to protect the needs and the safety of Canadians in cases of grave crisis.

What we are doing today is to act on that commitment made some 17 years ago. The time surely has come now where we in this House must keep faith with the people of Canada.

On June 26, I tabled in this House two Bills, Bill C-76 and Bill C-77, and announced that the federal Government was repealing the War Measures Act, withdrawing the emergency planning order of 1981 and introducing new federal emergencies legislation to replace them. The Bill I am presenting today complements Bill C-76, the Emergency Preparedness Act, which was given second reading on November 2 and referred to a legislative committee. Although the Bills are in a sense complementary, they are being considered separately.

Bill C-77, the Emergencies Act, will replace the old War Measures Act. It includes safeguarded and appropriately limited powers to deal with four types of national emergencies. It ensures that the exceptional powers granted by Parliament will be no more than are needed for the specific emergency at hand. It will ensure a graduated response, not an overwhelming one. In addition, the Emergencies Act will provide for compensation in the event of personal loss, injury or damage.

The Bill's preamble defines a national emergency as:

—an urgent and critical situation of a temporary nature that imperils the well-being of Canada as a whole or that is of such proportions or nature as to exceed the capacity or authority of a province to deal with it and thus can be effectively dealt with only by Parliament in the exercise of the powers conferred on it by the Constitution.

• (1120)

With passage of the Emergencies Act the Government will be able to act quickly during national emergencies to limit suffering through the use of means that, while extraordinary, will be limited to what is strictly required. The Emergencies

### *Emergencies Act*

Act will clearly constitute a vast improvement over the legislation which it replaces. It will provide a unified and coherent set of measures to respond to emergencies while incorporating maximum safeguards of fundamental rights and freedoms.

The Act will provide for parliamentary review of the use of emergency powers. It will require the executive to answer to Parliament for the use of its powers. The period during which the Act may apply will be limited and the nature of the emergency measures will be restricted to what is appropriate in the circumstances. In addition, the Government will have to return to Parliament for any continuation, amendment, renewal, or declaration of emergency.

Under the Act the provinces are to be consulted before the federal Government can declare a national emergency. In the event of a peacetime public welfare or public order emergency primarily affecting a single province, the province experiencing the direct effects of the emergency will have a veto over the Act's invocation. Under Parts III and IV, which cover areas of federal jurisdiction, there will still be consultation to the extent that it is appropriate and practical to do so.

The Act was designed so that each part may be invoked separately. In extreme situations, however, two or more parts of the Act may be invoked simultaneously.

Part IV of the Act is concerned with a war emergency. This part grants to the executive powers similar to those of the War Measures Act. However, they can be invoked only in time of war or of other real or imminent armed conflict and are subject to similar safeguards as are other parts of the Act. There is no reference to "insurrection" or "apprehended insurrection" in Part IV.

#### *[Translation]*

Some critics have tried to combine the old and the new laws in an attempt to make people believe that Part IV of the Emergencies Act is practically identical to the War Measures Act. They have also stated that there is not really any difference between the two legislative texts since the Charter applies to the War Measures Act. They go as far as to say that temptation to resort to the Emergencies Act will be stronger because, they claim, this legislation creates the impression that it offers more guarantees than the War Measures Act and that it will be easier to invoke it.

Such statements are completely unfounded.

Part IV of the Emergencies Act concerns "a war or other armed conflict, real or imminent". The War Measures Act applies to war, invasion or real or apprehended insurrection.

According to the new Bill, the declaration of an emergency must be justified and may be challenged. Under the present legislation, the declaration of a state of emergency is based on "conclusive evidence that war, invasion or insurrection, real or apprehended, exists".

In the proposed legislation, all orders and regulations will be subject to scrutiny by Parliament, which may decide to

*Emergencies Act*

reconsider and revoke a declaration of a war emergency. No such provision exists at the present time.

The Emergencies Act will be subject to the Canadian Charter of Rights and Freedoms. The War Measures Act is not. The new legislation provides for expiration at the end of 360 days. The present legislation contains no such time limitation.

Provisions for compensating persons having suffered damage or injury as a result of the application of the Emergencies Act will be included in this legislation. The present legislation does not include such provisions. Finally, before the new legislation takes effect, the provinces will be consulted and their views reported to Parliament, which is also an innovative step.

When the Government invoked the War Measures Act in October 1970, it did so reluctantly, believing it had no other choice. This situation led Prime Minister Trudeau to say in the House on October 16, 1970 that "the absence of both adequate time to take other steps or alternative legislative authority dictated the use of the War Measures Act".

[English]

The War Measures Act is too broad and too sweeping. It makes no provision for dealing either moderately with peacetime disasters or for a measured and prudent response to international tension. For 17 years Canadians and politicians of all Parties have been advocating abolition of the War Measures Act saying that it was outmoded, dangerous, and too blunt an instrument for anything short of war.

The present Right Hon. Leader of the Opposition, as Minister of Justice during the October Crisis, stated in the House on November 4, 1970:

The government recognized and, from the beginning, expressed the opinion that the War Measures Act was "too blunt an instrument" — We recognized the need for a more definite but flexible statutory instrument —

Similarly on April 28 of this year the Member for Thunder Bay—Nipigon (Mr. Epp) moved that the Government should consider the advisability of repealing the War Measures Act which, to quote him, "authorizes unlimited and arbitrary exercise of power by the Government of Canada during periods of war or apprehended insurrection without providing any review mechanism for such actions nor any basis for redress of the victims of unjust actions" and then went on to say that he thought there were many Canadians who would support Parliament expressing itself in this particular long-standing piece of legislation. He said that he thought that this Draconian Measure, the War Measures Act, should be removed from the books, that what we needed were review mechanisms to ensure protection of individual rights and freedoms.

[Translation]

The same day, in response to motions by the New Democratic Party to abolish the War Measures Act, the Hon. Member for Saint-Denis (Mr. Prud'homme), in recalling the last time the Act was invoked, exclaimed: "I regret only one thing and that is that we do not have more time to discuss a

page in Canada's history which is certainly not one of the most glorious in the history of human rights in Quebec and Canada".

The Hon. Member went on to say: "Many of us who were young parliamentarians at the time were agonizing about this issue... There was a tough debate in the New Democratic Party at that time as to what to do. I agree many New Democrats voted against the Act, but they had a tough debate. I remember it only too well. My price for voting for the War Measures Act was that I be included as one of the speakers... I will say in English and in French that I will always regret having voted for the War Measures Act. I felt it was my duty as a Canadian with the kind of information that we had that I had to do so. I had no other choice", admitted the Hon. Member for Saint-Denis with admirable frankness.

[English]

One effort to examine the problem of legislation to deal with emergencies came from the Task Force on Canadian Unity. It recommended that the Government had the right to seek parliamentary approval within a specified time for any extraordinary powers. It also recommended that the Government state the reasons for its action and the duration of the emergency powers in its proclamation. The task force further recommended that provincial powers and individual rights be safeguarded to various degrees depending on whether the nation was at war or at peace.

I have read the recommendations of the Pépin-Robarts task force carefully and I can assure Members of the House that Bill C-77 adequately meets them. The legislation for second reading which I am proposing today will provide the necessary flexibility to respond to national crises without invoking the War Measures Act. It applies only to national emergencies and distinguishes between four types.

In broad terms they are these: First, situations affecting public welfare and caused by an accident such as a massive chemical spill or by natural disasters such as earthquakes, floods or tornadoes that are of such magnitude as to exceed the capacity of the affected province to respond and to require special powers for an effective federal response; second, public order disturbances that threaten the security of Canada and which are so serious as to be national emergencies; third, international emergencies requiring Canada to take special preparatory measures in concert with our allies; fourth, and finally, war itself.

• (1130)

Passage of this legislation will enable the federal Government to fulfil its constitutional responsibility to provide for the safety and security of Canadians during national emergencies. The Emergencies Act will enable the Government to discharge its responsibility for public order emergencies that become national emergencies, without having to resort to the War Measures Act, an archaic and dangerous piece of legislation completely out of tune with democratic Canadian life.

The Emergencies Act will be subject to the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights. It will be consistent with the 1967 United Nations International Covenant on Civil and Political Rights.

The proposed legislation includes fully safeguarded and appropriately limited exceptional powers to deal with four types of national emergency. It ensures that the exceptional powers granted by Parliament will be no more than what is needed for a specific emergency. It provides for Parliament to review and, if necessary, revoke emergency powers introduced under the Act.

In addition, it contains provisions to ensure that individuals who suffer loss or injury as a result of application of the Act will be fairly compensated. It has been drafted in consultation with the provinces and contains appropriate recognition of provincial interests.

Several provinces have written to say that they are in general agreement with the Emergencies Act. Several have written expressing their approval and the view that the new legislation will bring Canada into line with other modern states which have had similar legislation for years.

The Minister Responsible for Alberta Public Safety Services, who recently experienced firsthand what can happen out of the blue to a community, had some suggestions for changes to the Act but went on to say:

Nevertheless, one must feel that it is the most important legislation introduced on this activity in recent years and your Government's efforts are to be strongly commended in this regard. We also feel strongly that every effort must be made to ensure the best legislation possible and therefore hope that you will give every consideration to the suggestions we have made.

After the tabling, the Premier of Saskatchewan wrote me:

I am encouraged by this initiative. The proposed pieces of legislation will more accurately reflect the way in which the federal and provincial Governments actually carry out their roles and responsibilities in this area . . . I wish you a successful and speedy passage of the legislation you have tabled, and I look forward to the continued co-operation of our respective governments in the area of emergency preparedness—

The previous New Brunswick Minister of Municipal Affairs said he was gratified to learn that I had tabled the Emergencies Bill and companion Emergencies Preparedness Bill. He said:

The Bills address a long-standing need to contemporize emergency legislation in Canada and New Brunswick supports this new legislation without reservation.

The Minister responsible for the Manitoba Emergency Measures Organization wrote to me. My friend, the Hon. Member for Brant (Mr. Blackburn), will be particularly interested in his view. He said:

The Bills are indeed timely and a significant improvement over the existing Act. In particular, the protection of civil liberties is a critical component of your proposed new statute. I welcome the continuing opportunity, as provided in the new Acts, for consultation on matters of national emergency preparedness and response policy. You may be assured of our co-operation and support in this vital area.

He went on to say that:

### *Emergencies Act*

—certainly some of the existing programs established by Emergency Preparedness Canada are tangible evidence of federal-provincial co-operation and it is my hope that these will be enhanced by the new legislation.

If there were as close collaboration in all areas of government as there is in emergency preparedness, there would be few stresses and strains in our federal system.

When I tabled Bill C-77 on June 26, I deliberately did so before the summer recess to give Members of the House and Canadians at large adequate time to review its contents and to make suggestions if there were areas where they felt it could be improved. It is because I believe that the legislation has important implications for national security and because the civil liberties of Canadians should be considered in a period of calm that I felt that sufficient time should elapse before the Bill was moved at second reading.

I also indicated that I would listen seriously to suggestions for improvements to ensure that at the end of the day the best possible legislation would be passed.

After the initial tabling, I received many letters from private citizens and politicians congratulating me on finally moving to do away with the War Measures Act. A few people, among them some federal politicians, expressed concerns. In some instances these criticisms were reasonable and constructive. In others the negative comment stemmed perhaps from a superficial reading and misunderstanding of the legislation.

As I indicated earlier, some felt that Part IV of the Emergencies Act is virtually identical to the War Measures Act. They say that since the Canadian Charter of Rights and Freedoms now applies to the War Measures Act, there is really no difference at all, except that there could be a greater temptation to use the Emergencies Act because it gives the illusion of being better safeguarded than the War Measures Act and could be more easily invoked. My earlier comments demonstrated that this is simply not true, and a careful reading will confirm this.

Others have said that the McDonald Commission did not think that the Government needed any additional emergency powers in peace time. I can assure Members of the House that Bill C-77 incorporates virtually all of the relevant recommendations of the 1979 McDonald Commission. From the outset we have been concerned that these recommendations should be respected as far as possible. There is one notable exception. The McDonald Commission did not recommend repealing the War Measures Act and replacing it with new emergencies legislation. Unlike members of the McDonald Commission, we believe, as all Parties in the House have stated in the past, that the War Measures Act is so inadequate and poses such a severe threat to the fundamental rights and freedoms of Canadians that we do not wish to live with this monster any longer.

As I have said, I have read through the recommendations relating to the emergencies legislation of the McDonald Commission and I note with pleasure that the vast majority of those recommendations have been incorporated in Bill C-77 in



*Emergencies Act*

one form or other, particularly in regard to procedures for parliamentary oversight of emergency powers.

Part I of the Emergencies Act deals with public welfare emergencies and is designed to enable the federal Government to mobilize the resources of the nation in response to a public welfare emergency that is so serious as to be a national emergency. Provisions of the act enable the federal Government to organize the response to a provincial or territorial request for assistance. The act will ensure that the burden of responding to and recovering from such a national emergency is shared by the nation as a whole.

All provincial governments have enacted standing emergencies legislation to deal with public welfare emergencies. By and large, they have developed sufficient competence, resources and experience to cope with most public welfare emergencies either with or without the assistance of contiguous provinces or of the federal Government. However, in a national emergency the combined resources of the entire nation may have to be mobilized to deal with the emergency. A vast, co-ordinated and timely response of the sort which could be required could only be provided using the federal emergency power.

While provincial governments have the authority, through their various emergency acts, to requisition resources within the province for emergency use within the province, they do not, and constitutionally cannot have the authority to requisition resources in the province for use outside the province. Only the federal Government can do this.

In the interest of federalism, as well as the efficient mobilization of the nation's resources, we recognize that the provinces should have a role in the process leading to the declaration of a public welfare emergency. The Emergencies Act embodies this principle.

Although the federal Government would always consult with the provinces before declaring a national emergency, the recent trend toward improved federal-provincial consultation as well as several studies of constitutional reform, all lead to the conclusion that the provinces ought to have a stronger voice and a more formal role in the process leading to the declaration of an emergency. Part I of the Emergencies Act therefore includes appropriate procedures regarding provincial consultation.

It is the intention of the federal Government to work continuously with provincial governments through Emergency Preparedness Canada to develop detailed plans and procedures to facilitate effective consultation if the need to consider invocation of the act arose.

The Emergencies Act stipulates that Part I may not be invoked unless the province in which the direct effects of the emergency principally occur indicates that it cannot cope without federal authorities and assistance. In large emergencies affecting several provinces, all provinces affected must be consulted before a declaration can be made under the act. In addition, the act states that provincial jurisdiction over the

police forces, including the RCMP—over which the province normally has jurisdiction—will not be altered.

With these safeguards, then, it will not be possible for the federal Government to use the legislation to intervene unilaterally in provincial or territorial emergencies that are within the capacities or authorities of the provinces or territories to cope with.

Some people have expressed doubts about the provision of Bill C-77 dealing with public welfare emergencies having serious implications for the right to strike. It is a point that certainly should be clarified. However, I would remind the House that I have stated publicly on previous occasions, that this act is not intended to be used to settle a legitimate dispute between an employer and employees.

• (1140)

I have already said that if there is uncertainty in the language of the Bill in this regard, it will be dealt with in committee to ensure that the original intent is respected. Indeed, we have seen very recently an instance where Parliament has been prepared to introduce special legislation which is well tuned to the specific exigencies of the circumstance, and that is the appropriate way to deal with it. If the federal Government believes it is necessary to intervene in the case of a strike, we will make it abundantly clear that this legislation is not intended to and could not be used to interfere in that way.

I personally have little difficulty with this point. I believe that the constraints of the definition of a national emergency in the preamble, when added to the further constraints of the definition of a public welfare emergency in Clause 3, effectively ensure that this Bill could never be used to terminate a strike and impose the settlement of a legitimate dispute between an employer and employees.

Likewise, it has been said that probably the most contentious clause in this Bill is the one that deals with public order emergencies. This is the type of situation which gave rise to the use of the War Measures Act in 1970. This clause takes its definition of threat from the Canadian Security and Intelligence Service Act. This fact alone should make us very cautious because of the difficulties already encountered with CSIS in determining what is subversion and what is legitimate dissent. That was one view of the legislation.

I would remind Members of this House that the definition of "threats to the security of Canada" received exhaustive scrutiny by Parliament in 1983 during deliberations on the CSIS Act. The language in this definition has, therefore, already received Parliament's blessing.

I would also remind the House that the definitions at the head of each of the four major parts of this Bill, including the definition of "threats to the security of Canada" do not stand alone. They must be read in conjunction with the definition of a national emergency in the preamble of the Bill and in conjunction with other restricting provisions. In other words, before



*Emergencies Act*

the Government can declare a public order emergency under Part II, the emergency situation must correspond to the definition of a national emergency as stated in the preamble.

I am told that this double test, as it is called, will be used by the courts to assess the Government's compliance with the deliberate constraints and safeguards that have been built into the definitions of this Bill. For greater clarity, let me read again the definition of a national emergency which appears in the preamble of the Bill. Since it seems to have been overlooked by some people, it bears repetition. A "national emergency" is defined as follows:

—an urgent and critical situation of a temporary nature that imperils the well-being of Canada as a whole or that is of such proportions or nature as to exceed the capacity or authority of a province to deal with it and thus can be effectively dealt with only by Parliament in the exercise of the powers conferred on it by the Constitution.

I am sure all Members of this House will appreciate that the standard established in this definition is very stringent, indeed. Before the Government can declare an national emergency under this act, the emergency in question must affect the whole of Canada or be so great as to exceed the capacity of the provinces to cope with the emergency. When this definition is read against the definition of "threats to the security of Canada" in Clause 14, and in conjunction with provisions that the emergency must necessitate the taking of special temporary measures for dealing with it, and that the special measures must be reasonable, it is apparent that the benign and benevolent activities such as ministerial contacts with the African National Congress, would never amount to a national emergency, as someone suggested, requiring invocation of the Emergencies Act.

To the challenge that a public order emergency also gives Cabinet the right to prohibit public assembly, and that a Canadian could have difficulty in availing himself or herself of the right to protest peacefully the declaration of emergency powers, I would reply that there are absolutely no restrictions on the freedom of expression, thought, conscience or religion under this part of Bill C-77. Unlike the War Measures Act, Part II of Bill C-77 confers no new powers relating to search, seizure, arrest or detention. The provisions of the Criminal Code in these areas are considered adequate to ensure law and order. Restricting public assembly would be authorized only to protect lives and property during a serious national emergency.

Let me dwell on this for a moment because I think it is a very important point which the House should recognize. One of the grave threats to civil liberties that is contained in the War Measures Act, as it stands today, was shown very markedly in the regulations under the War Measures Act when it was invoked in October 1970. We found civil liberties across the country suspended in order to deal with the situation which was relatively isolated in terms of its implication. Even though the FLQ problems that existed were taking place in the Province of Quebec, people as far away as Vancouver, British Columbia, or Guelph in Wellington County in my area, found their civil liberties were suspended as well. This is a much more finely tuned piece of legislation.

In the Province of Quebec people found that there suddenly was a retroactive crime being created. This will not be possible under Bill C-77. This section of the Bill gives no new powers of arrest. We will not have under the powers of this Bill in Part II, the knock on the door in the middle of the night because of a crime being created retroactively. We will not have the situation that someone who once attended a meeting of an organization would have the burden of proof shifted onto him to prove he is not a member of that organization. How could any of us be expected to prove we do not belong to an organization? It may be easily possible to prove we do belong to some organization such as a church, political party or any other organization, but how can we prove conclusively that we do not belong to an organization if attendance at a meeting is deemed to be adequate proof that we do.

That is the problem today with the War Measures Act. That is how civil liberties were affected in October of 1970. That is the sort of abuse we are determined to correct. It is essential that we have legislation in a period of time that better protects civil liberties.

As for the notion that a legitimate protest against the emergency declaration could be suppressed and no one would find out, or that the Government could censor the media or simply forbid travel to the troubled area, and that it would be difficult for anyone to find out if the declaration of an emergency was justified if no one was allowed in or out of the area, I reply that there is no mention at all of censorship in this part of the Bill. In fact, censorship would be possible only during a war emergency under Part IV. Restrictions on travel would be limited to the area of the emergency and only reasonable restrictions on travel would be permitted, that is, restrictions which would prevent further loss of life by creating an evacuation zone, for instance.

Some have concerns about the clause dealing with international emergencies. They suggest that the definition of an international emergency is extremely broad and that the Bill speaks of a threat to any country in which the political, economic or security interests of Canada, or any of its allies, are involved. As in the case of the definitions in each of the other parts, this definition should be looked at within the context of the definition of a national emergency as stated in the preamble. There is no way that an incident such as an attack on the *Stark*, for example, would amount to a national emergency in Canada.

I would suggest that Members of this House read carefully through the definition of an national emergency in the preamble and to read it opposite the definition of an "international emergency" in Clause 25. It is clear that an international emergency must first be so serious as to constitute a national emergency in Canada before the Government can declare the emergency. In my view, only a global crisis of major proportions could ever meet the high double test established here.

I welcome the opportunity to deal with this issue in committee, and if wording can be found that will clarify the definition of "international emergency" without destroying our ability to

*Emergencies Act*

act in appropriate cases, I would certainly consider incorporating it in the Bill.

I should like to address any concerns about the provisions in the Bill authorizing extraordinary powers of search and seizure during an international emergency. In light of representations I have received from civil liberties groups since the tabling of this legislation at the beginning of last summer, I would be prepared to look carefully at the wording of this power and the possibility of clarifying its intent. I should explain that its purpose is, for example, to enforce and monitor defence contracts, to prevent hoarding and overcharging for scarce commodities and to prevent black marketing in an international emergency. However, we shall certainly be looking very closely at this section and I would welcome input from Members of Parliament in that regard.

Some criticism has been leveled at Part IV of Bill C-77, that it is difficult to see any difference between this part and the current War Measures Act. Let me remind the House that there are indeed great differences, and permit me to summarize what I said earlier on this point in French.

The Emergencies Act, Part IV, is applicable to "war or other armed conflict, real or imminent", whereas the War Measures Act is applicable to "war, invasion or insurrection, real or apprehended".

Invocation of the Emergencies Act must be justified and can be contested, whereas a declaration of the War Measures Act is conclusive evidence of the existence of an emergency which cuts off all recourse to the courts.

• (1150)

Orders and regulations made under the Emergencies Act are subject to parliamentary review whereas under the War Measures Act there is no such provision.

Under the Emergencies Act, Parliament can initiate a motion to revoke a declaration. Under the War Measures Act there is no such provision.

The Canadian Bill of Rights applies to the Emergencies Act. It does not apply to the War Measures Act.

The Emergencies Act cannot be in effect for more than 360 days and any extension requires parliamentary approval. There is no time limit at all under the War Measures Act.

As a past Co-Chairman of the Standing Joint Committee on Regulations and Other Statutory Instruments, I have joined with others in this House and in the Senate in pressing to have Governments include parliamentary scrutiny and control over delegated legislation. This Bill gives Parliament a virtually unprecedented degree of control over the use of the powers contained in it. One can only wish that there had been such parliamentary power when the War Measures Act was invoked in October of 1970.

We have bent over backwards in drafting this legislation to ensure the preservation of civil rights and liberties. By limiting the Emergencies Act to four carefully circumscribed categories

of national emergency, Canadians will have assurances that the Act will not be used in a frivolous matter to deal with localized or relatively minor emergencies.

The Emergencies Act will enable the Government of Canada to respond to a major international crisis by gradually adopting appropriate preventive and preparatory measures, in concert with our allies, without having to take the provocative step of invoking the War Measures Act. It will eliminate the need to deal with national emergencies by hurriedly introducing excessive or flawed *ad hoc* legislation during the heated and confused situation that usually develops after a major emergency has occurred. It will help to stimulate, in co-operation and consultation with the provinces, an enhanced national standard of emergency preparedness. Passage of this Bill will ensure an appropriate response to emergencies while assuring that the fundamental rights of Canadians are fully protected in emergencies.

If this Act had been in place in World War II, Canadian citizens could not have been so cavalierly interned and their property confiscated. Likewise, in 1970, Part II of this legislation would have been used instead of the War Measures Act, and the abuses we saw under that Act would not have been possible—Quebecers would not have been arbitrarily arrested and detained simply because they were associated with a particular group.

I think it is important to re-emphasize that, unlike the War Measures Act, Part II of Bill C-77, confers no new powers relating to search, seizure, arrest or detention. The provisions of the Criminal Code in these areas are considered to be entirely adequate to deal with the instigators of public disorder, even under unusual and exceptional circumstances.

As I have said before, the need for this kind of legislation has been long recognized by all parties in Parliament. It is important that we have the mechanisms in place to deal with national disasters. But it is equally important that we are able to respond effectively to the more day-to-day occurrences. By putting in place adequate emergencies legislation, the federal Government will not only be in a better position to respond to the needs of Canadians in an increasingly complex environment, but Canada will be brought into line with other modern democratic states which have had comparable legislation for years.

This legislative package consisting of Bill C-77 and Bill C-76 fulfils the Government's election commitments in the field of emergency preparedness and does so with proper regard for the civil rights of individuals and for the federal nature of Canada.

To paraphrase the Hon. Member for Saint-Denis (Mr. Prud'homme), speaking in the House last April, if Members have suggestions to make... I would be delighted to hear them, because we could have legislation which is better, more in line with the spirit of the Charter of Rights and Freedoms and more compatible with what we want to defend.



Revision of the emergencies legislation was part of this Government's election platform in 1984. In February of 1985, at a press conference, the Prime Minister (Mr. Mulroney) publicly committed the Government to an early review of the War Measures Act, when in answer to a journalist's question about when his Government was going to do away with the Act he said, "I don't think you are going to be able to ask me the question much longer. It is under review and we hope to have something for you at an early moment. We hope to bring something forward that will be more appropriate than what we have had in the past". We have kept our promise. I hope that we can move quickly through second reading of Bill C-77 with a view toward starting detailed review in a legislative committee as soon as possible.

Consideration of this legislation provides Parliament with its first opportunity for a full review and debate of emergency preparedness matters. It also provides an opportunity for the general public to become informed of and engaged in the issues involved.

Finally, passage of this Bill will provide effective machinery to deal with unforeseen and potentially disastrous events while fully safeguarding the rights of Canadians.

I am fully in accord with my friend, the Hon. Member for Brant, who said in the House:

We should deliberate in an air of calm and reason... We have time to consider what we are setting in place for future generations. There is no war. There is no apprehended insurrection, no violence, no upheaval. Now is the time to give it straightforward, serious, cautious and deliberate consideration.

I am heartened that my hon. friend should say this. I agree with him entirely that, in his words, "now is the time for the parliamentary process to shine". I also totally agree that we will need testimony from both expert witnesses and ordinary Canadians to get this legislation right, for I know full well that it is an issue that touches the very lives and liberties of every Canadian. I urge the House to send the Bill to committee with the least possible delay so that the committee can get on with its work of inviting the public to be heard. I am confident that all Members of the House recognize the importance of this legislation. I believe that together we can work out, in a non-partisan way, the best legislation possible.

**Some Hon. Members:** Hear, hear!

**Mr. Speaker:** I think there is some understanding in the House that perhaps the Hon. Minister of State could be heard.

\* \* \*

## BUSINESS OF THE HOUSE

### DISPOSITION OF PRIVATE MEMBERS' BUSINESS

**Hon. Doug Lewis (Minister of State and Minister of State (Treasury Board)):** Mr. Speaker, there have been discussions among the Parties. The Hon. Member for Annapolis Valley—Hants (Mr. Nowlan) is unable to be here this evening to

## Emergencies Act

proceed with consideration of his Private Member's Bill at 5 p.m. Therefore, the Parties have agreed to cancel this evening's Private Members' Business and Government Orders will continue until 6 p.m. at which time the normal adjournment proceedings would commence.

I would also advise that Parties have agreed that the Hon. Member's item will be dropped to the bottom of the list of the order of precedence on the Order Paper.

**Mr. Speaker:** Hon. Members have heard the terms of the suggestion by the Minister of State. Is it agreed?

**Some Hon. Members:** Agreed.

\* \* \*

## EMERGENCIES ACT

### MEASURE TO ENACT

The House resumed consideration of the motion of Mr. Beatty that Bill C-77, an Act to authorize the taking of special temporary measures to ensure safety and security during national emergencies and to amend other Acts in consequence thereof, be read the second time and referred to a legislative committee.

**Mr. Len Hopkins (Renfrew—Nipissing—Pembroke):** Mr. Speaker, I am glad that the Minister of National Defence (Mr. Beatty) started off this debate today with a lengthy explanation of the Bill as he sees it and as he intends it.

This Bill before the House today is not to be taken lightly. Such measures are of extreme importance to any nation. This Bill deals with the basic theories and practices of the democratic process itself and fundamental rights and responsibilities of the people of the country.

Bill C-77 before us today, called the "Emergencies Act", replaces the War Measures Act, while Bill C-76, which is entitled the "Emergency Preparedness Act", is to replace the emergency measures organization which did not have a clear basis in legislation. That piece of legislation is important particularly to provincial and municipal governments because there seemingly was a lack of direction for the municipalities. They were sometimes confused and frustrated with that legislation.

Bill C-77 is a major piece of legislation. Let us make no bones about that. At a glance it makes one realize that it too is a very strong measure, taking nothing away from the War Measures Act. I will be looking at the court system for compensation later on in my speech, as I think that is an inadequate part of this legislation.

● (1200)

We must remember that the War Measures Act was initially passed by the Conservative Government of Sir Robert Borden. It was passed through this Parliament with limited